

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:17-CR-00158-D-3

UNITED STATES OF AMERICA :
 :
 v. :
 :
 ELVIS RAY DAVIS :

FINAL ORDER OF FORFEITURE

WHEREAS, on January 9, 2018, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 21 U.S.C. § 853, based upon the defendant's plea agreement whereby the defendant agreed to the forfeiture of the property listed in the May 17, 2017 Criminal Indictment, to wit: A .38 caliber Iver Johnson Arms and Cycleworks pistol, bearing serial number 14559, any and all related ammunition, and \$5,240.00 in U.S. Currency.

AND WHEREAS, the Government has advised the Court that the subject \$5,240.00 in U. S. currency is not in federal custody, and represents gross proceeds the defendant personally obtained as a result of the conspiracy and for which the United States may forfeit substitute assets pursuant to 21 U.S.C. § 853(p).

AND WHEREAS, in accordance with Supplemental Rule G(4)(i)(A), the Government is not required to publish notice, as the property forfeited is worth less than \$1,000. In addition, as no other potential claimants are known, no direct notice need be provided;

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the subject firearm and ammunition listed in the January 9, 2018 Preliminary Order of Forfeiture, is hereby forfeited to the United States. The United States Department of Justice is directed to dispose of the property according to law, including destruction.

2. That \$5,240.00, an amount representing the gross proceeds of the criminal offenses and for which the United States may forfeit substitute assets pursuant to 21 U.S.C. § 853(p), is hereby forfeited to the United States. Pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, the United States may move to amend this Order at any time to substitute specific property to satisfy this Order of Forfeiture in whole or in part.

3. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881.

SO ORDERED this 8 day of January, 2019.

J. Dever
JAMES C. DEVER, III
United States District Judge